

§ 52.321

40 CFR Ch. I (7–1–10 Edition)

revision corrects a clerical error in Section VIII.A of Regulation No. 1.

(i) Incorporation by reference.

(A) Colorado Regulation No. 1, 5CCR 1001–3, Section VIII.A, adopted June 19, 2003, effective August 31, 2003.

(111) On August 8, 2006, the Governor of Colorado submitted SIP revisions to Colorado’s Regulation No. 11 “Motor Vehicle Emissions Inspection Program” that repeals the basic vehicle emissions inspection program in the Fort Collins and Greeley areas.

(i) Incorporation by reference.

(A) Regulation No. 11 “Motor Vehicle Emissions Inspection Program,” 5CCRI001–13, Part A.1 and Part A.IV, as adopted on November 17, 2005, and effective January 30, 2006.

(112) On August 3, 2007, the Governor of Colorado submitted revisions to the Colorado’s Regulation No. 7 “Emissions of Volatile Organic Compounds” that made several changes and additions to Section XII, “Volatile Organic Compound Emissions From Oil and Gas Operations.”

(i) Incorporation by reference.

(A) Regulation No. 7 “Emissions of Volatile Organic Compounds,” 5 CCR 1001–9, Section XII, “Volatile Organic Compound Emissions From Oil and Gas Operations,” effective on March 4, 2007.

(113) On August 1, 2007, the State of Colorado submitted revisions to Colorado’s Common Provisions Regulation, 5 CCR 1001–2, that made changes and additions to Section I, “Definitions, Statement of Intent, and General Provisions Applicable to All Emission Control Regulations Adopted by the Colorado Air Quality Control Commission,” and Section II, “General.”

(i) Incorporation by reference.

(A) Common Provisions Regulation, 5 CCR 1001–2, Section I.G, “Definitions,” effective on March 4, 2007.

(I) The submittal revises Section I.G by removing the definition of “upset

conditions” and replacing it with the definition of “malfunction.”

(B) Common Provisions Regulation, 5 CCR 1001–2, Section II.E, “Affirmative Defense Provision for Excess Emissions During Malfunctions,” effective on March 4, 2007.

(2) The submittal revises Section II.E by removing language which provided an exemption for excess emissions during upset conditions and breakdowns and replacing it with an affirmative defense provision for source owners and operators for excess emissions during malfunctions.

[37 FR 10855, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.320, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 75 FR 25775, May 10, 2010, § 52.320 was amended by revising paragraph (c)(114), effective July 9, 2010. For the convenience of the user, the revised text is set forth as follows:

§ 52.320 Identification of Plan.

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(c) * * *

(114) On August 1, 2007, the State of Colorado submitted revisions to Colorado Regulation 1 to be incorporated into the Colorado SIP. The submittal revises Section I.I.I.B.2. by adding “and air curtain destructors subject to 40 CFR 60” to the first sentence of Section I.I.I.B.2.

(i) Incorporation by reference.

(A) 5 CCR 1001–3, Code of Colorado Regulations, Regulation Number 1, Emission Control for Particulates, Smokes, Carbon Monoxide and Sulfur Oxides, PARTICULATE MATTER, Section III.B.2, “Incinerators,” effective on November 30, 2006. Published in Colorado Register, Volume 29, Number 11.

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§ 52.321 Classification of regions.

The revised Denver Emergency Episode Plan, adopted by the State of Colorado February 28, 1996, was submitted by the Governor of Colorado with a September 16, 1997 letter.

Environmental Protection Agency

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Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Pawnee Intrastate	I	III	III	III	III
Metropolitan Denver Intrastate	I	III	III	I	I
Comanche Intrastate	III	III	III	III	III
San Isabel Intrastate	I	III	III	III	III
San Luis Intrastate	III	III	III	III	III
Four Corners Interstate	IA	IA	III	III	III
Grand Mesa Intrastate	III	III	III	III	III
Yampa Intrastate	III	III	III	III	III

[37 FR 10855, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 44 FR 57409, Oct. 5, 1979; 74 FR 47891, Sept. 18, 2009]

§ 52.322 Extensions.

The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for one year (until December 31, 1995) the attainment date for the Denver, Colorado, PM-10 nonattainment area.

[60 FR 52315, Oct. 6, 1995]

§ 52.323 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Colorado's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

[44 FR 57410, Oct. 5, 1979]

§ 52.324 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since the State lacks the authority to require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such stationary sources.

(b) Delegation of authority: Pursuant to section 114 of the Act, Colorado requested a delegation of authority to enable it to require sources to install and maintain monitoring equipment and to report periodically on the nature and amount of their emissions. The Administrator has determined that Colorado is qualified to receive a delegation of the authority it re-

quested. Accordingly, the Administrator delegates to Colorado his authority under section 114(a)(1)(B) and (C) of the Act, i.e., authority to require sources within the State of Colorado to install and maintain monitoring equipment and to report periodically on the nature and amount of their emissions.

[37 FR 10855, May 31, 1972, as amended at 46 FR 24182, Apr. 30, 1981; 51 FR 40676, Nov. 7, 1986; 62 FR 2914, Jan. 21, 1997]

§ 52.325 [Reserved]

§ 52.326 Area-wide nitrogen oxides (NO_x) exemptions.

The Denver Regional Council of Governments (DRCOG) submitted a NO_x exemption petition to the EPA on May 25, 1994 and submitted supporting documentation via a letter dated August 1, 1994. This petition requested that the Denver metropolitan area, a transitional ozone nonattainment area, be exempted from the requirement to meet the NO_x provisions of the Federal transportation and general conformity rule with respect to ozone. The exemption request was based on monitoring data which demonstrated that the National Ambient Air Quality Standard for ozone had been attained in this area for the 3 years prior to the petition. The EPA approved this exemption request on July 28, 1995.

[60 FR 40291, Aug. 8, 1995]

§§ 52.327-52.328 [Reserved]

§ 52.329 Rules and regulations.

(a) On January 14, 1993, the Governor of Colorado submitted revisions to the